

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

RICO CASE STANDING ORDER

I. Filing Requirement

In this action, claims have been asserted under the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §1961 et seq. It is hereby ORDERED that each party asserting RICO claims file a RICO statement as follows within twenty (20) days after notice. This statement shall include the facts claimant is relying upon to institute the RICO claims as a result of the "reasonable inquiry" required by Fed.R.Civ.P. 11. The statement shall follow the numbers and letters as set forth below, and shall state in detail and with specificity the following:

II. RICO Case Statement

A RICO case statement shall include the facts claimant is relying upon to institute the RICO complaint as a result of the "reasonable inquiry" required by Fed.R.Civ.P. 11. The statement shall follow the number and letter categories set forth below, and shall state in detail and with specificity the following information:

1. State whether the alleged unlawful conduct is in violation of 18 U.S.C. §1962(a), (b), (c), and/or (d).
2. List each defendant to the RICO claim and state the alleged misconduct and basis of liability of each defendant.
3. List the alleged wrongdoers, other than the defendants listed above and state the alleged misconduct of each wrongdoer.

4. List the alleged victims and state how each victim was allegedly injured.

5. Describe in detail the pattern of racketeering activity or collection of unlawful debts alleged for each RICO claim. A description of the pattern of racketeering shall include the following information:

a. List the alleged predicate acts and the specific statutes which were allegedly violated;

b. Provide the dates of each predicate act, the participants in the predicate acts, and a description of the facts surrounding each the predicate acts;

c. If the RICO claim is based on the predicate offenses of wire fraud, mail fraud, or fraud in the sale of securities, the "circumstances constituting fraud or mistake shall be stated with particularity." Fed.R.Civ.P. 9(b). Identify the time, place and contents of the alleged misrepresentations, and the identity of persons to whom and by whom the alleged misrepresentations were made;

d. State whether there has been a criminal conviction for violation of the predicate acts;

e. State whether civil litigation has resulted in a judgment in regard to the predicate acts;

f. Describe how the predicate acts form a "pattern of racketeering activity;" and

g. State whether the alleged predicate acts relate to each other as part of a common plan. If so, describe in detail.

6. Describe in detail the alleged enterprise for each RICO claim. A description of the

18. List all other federal causes of action alleged in the complaint, if any, and provide the relevant statute citations.

19. List all pendent state claims alleged in the complaint, if any.

20. Provide any additional information that you feel would be helpful to the Court in processing your RICO claim.

SO ORDERED.

At San Juan, Puerto Rico, on , 1998.

CARMEN CONSUELO CEREZO
Chief, U. S. District Judge